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Provisional

President:	Mr. Quarrey/Sir John Sawers	(United Kingdom of Great Britain and Northern Ireland)
Members:	Belgium	Mr. Lammens
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Pan Jingyu
	Costa Rica	Mr. Urbina
	Croatia	Ms. Kožar
	France	Mr. Vandeville
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Mr. Suescum
	Russian Federation	Mr. Dolgov
	South Africa	Ms. Lazouras
	United States of America	Mr. DeLaurentis
	Viet Nam	Mr. Bui The Giang

Agenda

Protection of civilians in armed conflict

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The meeting resumed at 3.05 p.m.

The President: I wish to remind all speakers, as Ambassador Sawers indicated at this morning's session, to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to the representative of Nigeria.

Mrs. Ogwu (Nigeria): The Nigerian delegation appreciates your initiative, Mr. President, in convening this open and timely debate on the protection of civilians in armed conflict. I also wish to thank Under-Secretary-General John Holmes for his lucid briefing and relevant comments this morning.

We believe that the protection of civilians in armed conflict remains a daunting challenge and a matter of deep concern for all nations. In today's world, the grim reality is that civilians have not only become the casualties of brutal conflicts, but also the direct targets of dubious military tactics such as abductions, suicide attacks, sexual violence and denial of humanitarian access. Nigeria is concerned that those situations still exist in spite of numerous international laws protecting civilians.

Equally distressing is the fact that women, children, the aged and other vulnerable groups, who are least responsible for perpetuating conflicts, inevitably suffer most from their adverse social and economic consequences. Even more heinous, journalists and humanitarian aid workers, whose services are vital to the well-being of refugees and internally displaced persons, are also targeted, maimed and often killed.

Nigeria unequivocally condemns all acts of violence either targeted at or perpetrated against non-combatants by the protagonists in conflict. In particular, we condemn sexual violence against women in all its forms, the recruitment and deployment of child soldiers and the culture of impunity.

Nigeria believes that the responsibility to protect civilians in armed conflict situations is a shared one, although it lies primarily with national Governments. Protection requires early intervention and rapid deployment of humanitarian assistance by the international community. It also requires systematic

coordination and the pulling together of the capacities of various humanitarian agencies involved in efforts to bring relief to internally displaced persons and refugees. More significantly, it requires humanitarian access to rebel-held territories, so that civilians can obtain the needed assistance.

Other measures required to stem conflict and to deal with its consequences include the ratification and implementation of existing conventions and protocols on armed conflict. Efforts should be intensified to strengthen the International Criminal Court and other legal frameworks and mechanisms for monitoring and reporting attacks against civilians by both State and non-State actors. Indeed, the international community should take vigorous and concerted action to combat genocide, ethnic cleansing and crimes committed against unarmed civilians.

Conflict prevention, the rule of law and good governance are fundamental to the protection of civilians. Experience has demonstrated that it costs less to prevent than to control conflicts. That is why Nigeria is fully engaged in regional and subregional initiatives to prevent conflict. We stand firmly by regional initiatives such as the New Partnership for African's Development and the African Union peace and security mechanism. At the subregional level, we have steadily coordinated initiatives with other States members of the Economic Community of West African States to implement the Community's evolving security architecture.

Consequently, Nigeria calls for more international support for those regional and subregional organizations in order to strengthen their capacities through increased financial and technical assistance. Such support and assistance are necessary, since those organizations now bear most of the peacekeeping responsibilities on the continent.

In addition, we call on the international community to intensify its post-conflict peacebuilding efforts through the Peacebuilding Commission. Peacebuilding strategies should address short-term measures such as rehabilitating educational and health-care systems and laying the foundation for growth and long-term development.

The deliberate targeting of civilians and other protected persons in situations of armed conflict constitutes a threat to international peace and security. Hence, it is an issue within the remit of this Council.

However, it is only when we collectively muster the political will and common cause to act in unity that we can truly hope to establish a viable practice for the protection of civilians in conflict. Nigeria therefore invites Governments, the private sector, civil society and the international community to fully commit themselves to their obligations.

The President: I now give the floor to the Permanent Observer of Palestine.

Mr. Mansour (Palestine): I congratulate you, Sir, and your country, the United Kingdom, upon your assumption of the Security Council presidency. We are confident in your ability to wisely guide the Council's work. I also reiterate our thanks to South Africa for its very able leadership of the Council in April.

Protecting civilians in armed conflict, including situations of foreign occupation, must be a priority mission of the United Nations, and the Security Council has clear responsibilities in this regard. Of course, the protection of civilians is an important component of the work of United Nations bodies, including the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as of the work of many international humanitarian organizations.

The basis and guiding principles for such efforts are the rules of international law, particularly humanitarian law and human rights law. The need to protect civilians, promote their welfare and safeguard their human dignity is at the core of the spirit and the purpose of those laws. Protection provisions can be found in many instruments of law, including the Geneva Conventions, particularly the Fourth Geneva Convention, which comprises provisions explicitly aimed at ensuring the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation; the Additional Protocols to those Conventions; the human rights covenants; the Rome Statute of the International Criminal Court; and United Nations resolutions. Additionally, in 2005, in the World Summit Outcome Document (General Assembly resolution 60/1), world leaders affirmed the responsibility to protect populations from genocide,

war crimes, ethnic cleansing and crimes against humanity.

Yet, despite such legal safeguards, armed conflicts continue to claim the lives of innocent civilians, who continue to be the victims of appalling human rights violations and crimes, suffering physical and psychological harm, displacement, imprisonment, torture, exploitation, hunger, poverty, disease and the destruction of their communities.

We must ask ourselves, then, why civilians are still so vulnerable and why such violations against civilians are permitted to continue with impunity. The answer lies primarily in the lack of respect for international law and the international community's failure, in many circumstances, to ensure respect for the law and hold violators accountable for their crimes, with a view to ending those crimes and ensuring the protection of civilians and the promotion of their human rights.

Regrettably, in the occupied Palestinian territory, the Palestinian people have been denied the protection to which they are entitled as a civilian population under occupation. There, civilians remain highly vulnerable and exposed to the occupying Power's lethal military force and massive, systematic and grave human rights violations. Palestinian civilians, including children, continue to be killed, wounded and maimed in Israeli military assaults, which are indiscriminately launched in civilian areas, particularly in the Gaza Strip, and which, in addition to the widespread casualties and destruction they cause, have terrorized and traumatized the population.

At the same time, the civilian population suffers from the unlawful collective punishment measures being imposed by the occupying Power. The situation in Gaza is most dire, due to Israel's ongoing inhumane siege, by which it is deliberately obstructing humanitarian access, the movement of persons, including sick persons needing treatment unavailable in Gaza, and the movement of goods, including food, medical and fuel supplies. There has been a severe impact on all aspects of life, with poverty, hunger, disease and instability rising, particularly among the refugee population and especially among children, and the humanitarian crisis deepening.

International law clearly forbids such brutality. Humanitarian and human rights law prohibit, *inter alia*, the killing and bodily injury of civilians, reprisals

against civilians and civilian objects, the wanton destruction of homes and other civilian property and the collective punishment of civilians. Such actions, wilfully perpetrated, constitute war crimes.

The international community's failure to hold Israel accountable for its violations and crimes has regrettably reinforced Israel's lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation and, in essence, absolving it from its legal obligations as an occupying Power. Here, there is a clear role that must be played by the Security Council. As Israel continues to breach its legal obligations towards the Palestinian civilian population, the Security Council, if it cannot compel Israel to abide by the law, has a duty to determine and undertake appropriate measures to protect the civilian population. To continue doing nothing in the face of such crimes is unacceptable and, as we have witnessed over the years, the consequences are more than tragic.

The international community, including the Security Council, must uphold the responsibility and declared commitment to protect civilians in armed conflict. Respect must be demanded for the instruments of international law that are supposed to provide innocent civilians with protection from human rights violations and crimes in all situations of armed conflict, including foreign occupation.

Armed conflicts are disastrous, but they are not natural disasters; they are man-made. The rule of law must therefore be central to the debate on protecting civilians, for respect of international law is the key to the prevention of conflicts, the protection of civilians where conflicts arise and, ultimately, the peaceful settlement of conflicts and the promotion of human rights, human security and human dignity.

The President: I give the floor to the representative of Norway.

Mrs. Juul (Norway): Norway welcomes this debate on the protection of civilians in armed conflict and would like to thank Under-Secretary-General John Holmes for his important briefing to the Council.

Resolution 1674 (2006) was a watershed in the Council's work in the protection of civilians in conflict. The commitment and cooperation of Member States and the United Nations are key to ensuring the implementation of that resolution. The Council must

systematically address the issue of protection in the mandates of United Nations peacekeeping operations. The issue of the protection of civilians must be mainstreamed into the work of the United Nations, including in reporting to the Council.

A major challenge in the protection of civilians is combating sexual and gender-based violence. Norway is deeply concerned about the continued use of sexual violence as a weapon of warfare. In the Democratic Republic of the Congo, and especially in the eastern part of the country, sexual and gender-based violence seems to have taken on epidemic proportions. It is unacceptable that impunity for such extremely severe crimes seems to be the rule and not the exception. Further, Norway supports the referral of such crimes to the International Criminal Court and the consideration of sanctions against Member States as well as non-State actors that perpetrate such crimes.

Norway urges the United Nations, Member States and non-governmental organizations to join forces in the Democratic Republic of the Congo, for example by expanding health services for survivors, focusing on transitional justice systems to build capacity to prosecute perpetrators, and finding means to prevent sexual violence from being perpetrated by ensuring that peacekeeping operations make life safe for women and girls. We support the recommendations of the Secretary-General that ad hoc judicial arrangements be established to address sexual violence in the Democratic Republic of the Congo and in other situations where impunity prevails.

The response of the Security Council to sexual and gender-based violence in situations of armed conflict must be intensified, including through the full implementation of resolution 1325 (2000). It is totally unacceptable that United Nations officials should be inactive witnesses to such atrocities or, even worse, part of such acts.

The humanitarian problem caused by the use of cluster munitions has been well documented. In each and every conflict where such weapons have been used, they have caused large numbers of civilian casualties and injuries, both during their use and for many years after the conflict has ended. The use of cluster munitions leaves behind large amounts of unexploded ordinance that is highly unstable and continues to claim the lives and limbs of civilians for years and decades after the conflict has ended. We

therefore look forward to a successful outcome of the ongoing negotiations in Dublin on a comprehensive treaty to establish a complete ban on cluster munitions causing unacceptable harm to civilians. Such a preventive measure will certainly save lives and limbs.

Safe, timely and unimpeded access for the delivery of humanitarian assistance is a crucial aspect of the protection of civilians. The Council has an important role to play in addressing that issue systematically. In that regard, Norway welcomes the initiative of the Office for the Coordination of Humanitarian Affairs to develop a monitoring and reporting mechanism to facilitate more in-depth analysis of the causes and consequences of access constraints.

Mr. Shinyo (Japan): Japan applauds the Security Council and the United Kingdom Government, in its capacity as President of the Security Council, for continuing to accord the highest priority to the plight of civilians in armed conflict. We also thank Under-Secretary-General Holmes for his report on that issue and commend the Office for the Coordination of Humanitarian Affairs (OCHA) for its advocacy activities. I wish to address the Council in order to make four points about its work on that issue, and to briefly explain why we regard it as so important from the point of view of human security.

First, I would like to express Japan's support for the idea of the Secretariat's giving the Security Council a timely, appropriate briefing on the subject of the protection of civilians in armed conflict. In the open debate in November last year, a few countries expressed concerns about the proposal to establish a Council working group on the protection of civilians. We share the view that it is necessary to avoid duplicating the work of the Council and creating an additional bureaucratic mechanism. It is essential, however, that the Council receive the most accurate information and the best analysis if it is to make wise decisions regarding the establishment or extension of mission mandates. There is no question, then, that it would be beneficial for the expert group to receive a timely, appropriate briefing on that subject.

Secondly, we request the Security Council to brief all stakeholders, including countries that contribute troops or financing, in a timely and appropriate manner on the protection of civilians in armed conflict. Without the effective implementation of mandates, decisions taken in the Council cannot

have the desired impact in the field. Briefing stakeholders would contribute greatly to rendering the Council more accountable and the implementation of the mandates of peacekeeping operations and other missions more effective.

Thirdly, Japan continues to regard the aide memoire on the consideration of issues pertaining to the protection of civilians as a useful tool to the Council in its consultations on mission mandates because it serves as a checklist of references to relevant areas and the mandates of past operations. We are therefore pleased that OCHA intends to revise it this year, and we would like to provide support for that work, including through financial assistance.

Finally, we look forward to seeing the next report of the Secretary-General. As the last mandate under resolution 1674 (2006) to issue a report has been discharged, a new request is needed from the Council, and we would expect that it will be accompanied by the analysis of humanitarian access that Under-Secretary-General Holmes proposed in the last open debate.

I would like to say a few words about the meaning of human security in the context of the protection of civilians. For one thing, human security is a concept that complements State security and seeks the protection and empowerment of individuals, putting the livelihood and dignity of individuals at the centre of our focus. It is consistent with the letter and spirit of the Charter of the United Nations and promoted in full respect of national sovereignty. It does not in any way suggest military intervention, even as a last resort, and thus differs from the notion of the responsibility to protect.

It is a concept that, at its core, is about the protection of the right of individuals to live their lives with dignity. It is a useful approach that emphasizes a culture of prevention in order to achieve freedom from fear and freedom from want. It asserts the need to protect and empower individuals, including internally displaced persons, in armed conflict and early on in the post-conflict period.

The concept of human security is related to the activities of the Peacebuilding Commission, with whose work the protection of civilians in armed conflict is closely linked. The previous discussion on internally displaced persons in the Working Group on Lessons Learned in March this year demonstrated that the Commission has a keen interest in the issues related

to the protection of civilians. The vital role the Commission has to play is providing a comprehensive strategy for peacebuilding so as to prevent a recurrence of conflict and to support related activities on the ground through promoting the mobilization of the resources of the international community. The Commission can continue to play a role in protecting civilians through activities ranging from the immediate post-conflict period to the period of reconstruction and sustainable development.

In order to mainstream human security in United Nations activities, Japan and Mexico, together with the Human Security Unit of the Office for the Coordination of Humanitarian Affairs, organized a fourth meeting of Friends of Human Security on the 15 May, at which we discussed issues such as gender-based violence and protection of children in armed conflict. And on 22 May the General Assembly had its first thematic debate on human security. In that debate, protection of the vulnerable people, including women and children in conflicts, was also underlined.

Outside the United Nations, beginning tomorrow, Japan will host TICAD IV — the fourth Tokyo International Conference on African Development — in Yokohama, with many African heads of State and Government participating. The theme will be "Towards a Vibrant Africa". Again, human security will be one of the principal topics of discussion, and the outcome of that discussion will then be reflected when the G-8 summit meeting is held in Toyako, Hokkaido, Japan.

In concluding my statement, I would like to commend every official of the United Nations and other organizations, including humanitarian personnel, engaged in trying to provide protection to civilians caught in conflicts, often under extremely difficult conditions. We are very interested in the work that the Independent Panel on Safety and Security of United Nations Personnel and Premises headed by Mr. Brahimi is doing, and we expect that the Panel will make concrete recommendations on ways to ensure the safety and security of the personnel.

The President: I now give the floor to the representative of Israel.

Mr. Carmon (Israel): At the outset, Mr. President, allow me to congratulate you on your able stewardship of the Council this month and to thank you for convening this debate. I also wish to thank Under-Secretary-General John Holmes for his

informative briefing and to congratulate him and the Office for the Coordination of Humanitarian Affairs on their important and ongoing humanitarian work.

Israel assigns vital importance to the protection of civilians in armed conflict and is encouraged by the continued efforts of the Council and the Secretary-General and his staff in this area. We believe that all individuals should live without fear of physical, sexual, psychological and other forms of abuse that stem from or are aggravated by conflict.

The protection of civilians in armed conflict is one of the main objectives of international humanitarian law. It emanates from the universal understanding that acts of hostilities should be restricted, as far as possible, to armed forces in order to spare civilians from the horrors of war. This fundamental objective is reflected in the most basic principles and rules of international humanitarian law, in particular the principle of distinction between combatants and civilians.

Regrettably, this fundamental principle is often ignored in practice, as evidenced by the troubling fact that civilians account for the vast majority of casualties in contemporary armed conflicts. A quick snapshot of conflicts around the world reminds us of the almost daily deliberate violence carried out against civilians, as well as the cynical exploitation of civilians by their own Governments and insurgents, who intentionally choose to operate from densely populated areas, to use civilians as human shields and to recruit children for military tasks. It further reminds us of the failure of a number of States to protect their own civilians from immediate threats to life and security brought about by forces of extremism and instability.

The disturbing neglect of the duty to protect civilians in armed conflict does not originate from a lack of binding legal norms. It is the outcome of intentional and flagrant violation of existing norms. The efforts of the Security Council in this regard should be commended, above all resolution 1674 (2006), which marks a clear framework for action for all Member States.

One of the primary threats to the safety and security of civilians in contemporary armed conflicts stems from the activity of terrorist groups, as for them nothing is more alien than the protection of civilians. Terrorism, in its essence, is the international targeting of civilians, as we have been witnessing throughout the

world and in our region for so many years. The abhorrent celebrations of Hamas and other terrorist organizations in the Gaza Strip after the cold-blooded murder of eight Israeli students in Merkaz Ha-Rav seminary in Jerusalem, just recently, were a dreadful reminder of the true nature of terrorism.

Moreover, the blatant disregard of terrorists for the sanctity of human life is not restricted to the civilians of their adversary, but is extended also to their own populations. Abuse, manipulation and endangerment of civilians are at the heart of terrorist thinking and tactics. In Lebanon, Hizbullah maintains its military activity from within the fabric of civilian life. In the Gaza Strip, Palestinian terrorists use similar tactics and launch rockets and mortars from densely populated areas, while turning the civilians living in those areas into human shields. Only last week we observed a dreadful demonstration of the cruelty and disregard of the safety and security of civilians by the terrorist groups in Gaza when the Israel Defence Forces found weapons and ammunition hidden in a schoolyard in one of Gaza's neighbourhoods.

In Gaza, we have further seen the violence against Israel accompanied by manipulative activity orchestrated by Hamas to prevent the supply of humanitarian assistance to the Palestinian civilians under its control and responsibility. Hamas is deliberately targeting those crossings that Israel uses in order to transfer the humanitarian supplies, and afterwards allocates the supplies for its own terrorist means, instead of allowing their distribution among the civilians who really need them. In this case, civilians are not merely used as shields to mask acts of violence, but they are deliberately deprived of humanitarian assistance. They are, in fact, held hostage by terrorism.

Hamas's violent activity, aimed at blocking humanitarian aid to the citizens of Gaza, constitutes a manifest violation of international humanitarian law. It is regrettable that this malicious tactic was not specifically mentioned in today's comprehensive briefing by the Under-Secretary-General for Humanitarian Affairs among the other illegal constraints that violate international law that were mentioned.

The tactics of terrorist groups, a few of which I have just alluded to, present a great challenge to those States that struggle to protect their civilians from the threat of terrorism. Our foremost obligation as a nation

is to protect our civilian population from violence. Yet, we must also take great pains to minimize any harm to other civilian populations, thereby preserving the fundamental values and principles that define us as a nation, which we proudly embrace. All States must act to strike a proper balance between their obligations to fight terrorism and protect their citizens and their responsibilities under international humanitarian law.

The protection of civilians in armed conflict is a common interest of the international community, and much more can and should be done to achieve this shared commitment. Israel recognizes that it is the duty of all States first and foremost to protect their civilians from all harm. Equally important is the obligation incumbent upon all States to ensure that intentional attacks against civilians are not launched from their own sovereign territory.

When sovereign States fail to govern responsibly according to their duties under international law, terrorists and other non-State actors seek to take advantage of the void. Similarly, when States support terrorist groups by providing safe haven, weapons, training and financing, they should bear responsibility for the actions of those groups and be held accountable for violations of international law.

The international community must respond firmly to illegal threats to the safety and security of civilians, as its choice to firmly address those situations now could save the lives of countless civilians in the future. The failure to hold accountable those armed groups that abuse the protected status of civilians and thereby endanger civilian lives will only encourage terrorist groups to increase their reliance on those reprehensible tactics.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): At the outset, I should like to express to the Security Council my delegation's gratitude for the holding of this meeting devoted to the issue of the protection of civilians in armed conflict. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his briefing to the Council on the latest developments relating to the protection of civilians in armed conflict since the publication of the Secretary-General's most recent report (S/2007/643) on the matter, in October 2007.

In spite of the legal developments and the international conventions adopted to address the issue of the protection of civilians in armed conflict since the establishment of the United Nations — from the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the many resolutions of the Security Council — civilians in armed conflict continue to pay the ultimate price. As regards the protection of civilians in armed conflict, the gap continues to grow between the letter of the law and its implementation.

Civilians living in armed conflict and people living under the yoke of colonialism and foreign occupation and settlement are still submitted to all sorts of violence, forcible displacement, deliberate denial of humanitarian assistance and the confiscation of their land. Their only fault is to be living in a region of armed conflict or to have had their land occupied by others in their absence and disposed of without their consent — although most of the time that takes place while they are on their own land.

In his briefing to the Council last November, Mr. Holmes referred to the deteriorating situation in the occupied Palestinian territories, and especially in Gaza. He said then that

“the situation in the occupied Palestinian territory, particularly in Gaza, is reaching the limits of what is bearable for any community”
(S/PV.5781, p. 4).

I believe that the situation to which Mr. Holmes referred has not improved to date; in fact, it has worsened. Israel, the occupying Power, has continued its policies against the Palestinian people. Those policies have resulted in starvation, injustice, tyranny, collective punishment, the confiscation of land, violations of human rights and international humanitarian law and forcible displacement. Israel, the occupying Power, is continuing to intensify its siege against the Palestinian people, to close crossing points and to transform the Gaza Strip into the largest prison in the world. At the same time, it is depriving the population of life's basic needs by cutting off water, electricity, fuel, medical and food supplies, as well as by blocking access to humanitarian assistance and preventing international humanitarian organizations from carrying out their work. That includes such organizations as the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which

has called for emergency relief because Israel has stopped providing the Gaza Strip with fuel. All of that means that there is a huge imbalance in the Security Council's and the international community's response as regards the prevailing tragic situation in Gaza.

Moreover, it cannot be denied that the occupying Power is continuing its attacks against civilians in the occupied Arab territories undeterred. That is due to the hesitation on the part of the international community to condemn Israel's siege against the Gaza Strip, as well as its failure to call for an immediate halt to those policies and illegal practices. Even worse is the fact that, despite the statements we have heard in the Council, some States have attempted to justify such illegal acts by Israel and have prevented the international community, and the Security Council in particular, from adopting measures to halt such violations.

We would like to point out that the Charter of the United Nations does not grant States the right to violate the rights of civilians, including those living under the yoke of occupation, under the pretext of self-defence. The Charter establishes specific and clear responsibilities for occupying Powers under both international and international humanitarian law as regards humanitarian issues and other issues relating to peoples under occupation. The international community, including the Security Council, should assume its clear obligations in that regard. We must take immediate tangible steps to implement international law free from double standards and in a way that maintains the Council's credibility in the maintenance of international peace and security.

The situation of the Syrian population living in the occupied Golan is not much different from that of the Palestinian people. The Israeli occupying Power is continuing its policy of forced displacement and expulsion, as well as the seizure of the private property of Syrian citizens in the Golan. Israel is also continuing to confiscate land and to expand settlements in occupied Syrian Golan. Israel's new settlements council in the Golan won the approval of the occupying Power to begin to construct a new tourist resort on 40 dunums of land near the Israeli settlement of “In Am”, which was established in Syria's Wadi Nakhil Al-Tiba region. The settlements council, in cooperation with the extremist religious settlement of Unitan, has devised a plan to attract thousands of

settlers in order to increase their numbers in the Syrian Golan to over 50,000.

Israel is continuing its policy of suppressing Syrian civilians in the occupied Syrian Golan, illegally imprisoning and detaining them in conditions that threaten their lives. I should like to refer to the cases of Syrian citizens held as prisoners of war, namely, Bishr Al-Maqt and Sitan Al-Wali, the latter having had a nephrectomy, which is a surgical procedure to remove a kidney that is due to a tumour. My Government has called upon the Secretary-General, the Red Cross and other concerned international parties to intervene to save their lives. I would like to remind the Council, in this context, that Syrian prisoner of war Hael Abu Zayd had suffered from similar symptoms, which led to his death from cancer in 2005.

Therefore, we once again call upon the United Nations and the Security Council to pressure Israel to release those prisoners of war without delay, including Syrian journalist Atta Farhat, who was detained by Israel because of his nationalist activities as a journalist.

In the same context, Israel persists in its policies that aim to cut all forms of contact and communications between members of Syrian families separated by the occupation. In addition, on 15 April 2008, Israeli authorities confiscated the Syrian identification cards that had been given to Damascus University students from the occupied Syrian Golan during their trips home to their towns and villages. Syria calls upon the Council, with a view to giving credibility to this discussion, to pressure Israel to permit the immediate resumption of visits by Syrian citizens living in the occupied Syrian Golan to Syria proper, through the Quneitra crossing point. Since Israel is an occupying Power and a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, it is incumbent on it to implement the Convention's articles 25, 26, 30 and 142, as well as article 74 of the first Additional Protocol to it, in order to allow and facilitate family visits of persons in the occupied territories.

My country has sent letters in this regard to the Secretary-General and the Presidents of the General Assembly and the Security Council, and to international governmental and non-governmental organizations to intervene to help to solve the problem of permitting Syrian citizens from the occupied Syrian

Golan to visit their families. We are full of hope that those parties will translate the positions that we have heard in this discussion into facts on the ground, particularly the positions with a firm basis in international law.

Speaking of international law, the Israeli occupation of the Golan is a two-fold occupation giving rise to two crimes because Israel not only occupied the Syrian Golan in 1967, but also issued a provocative and unjust decision to annex it. That decision was unanimously rejected by the Security Council in its resolution 497 (1981), which decided that Israel's annexation decision was null and void and that called upon Israel to rescind it forthwith.

Finally, despite the great importance that the Syrian Arab Republic attaches to the Council's consideration of the issue of civilians in armed conflicts, I call on the Council to address the issue of civilians suffering under the yoke of foreign occupation in Palestine and the Golan with equal seriousness and momentum, and in an objective and impartial manner, free from the use of double standards. We also call on the Council to undertake an in-depth study of the reason for the suffering of those civilians, namely the Israeli occupation.

The President: I now give the floor to the representative of Peru.

Mr. Voto-Bernales (Peru) (spoke in Spanish): I would like to thank you, Mr. President, for convening this open debate on the protection of civilians in armed conflicts. Likewise, I would like to express my gratitude to the Under-Secretary-General for Humanitarian Affairs, Mr. John Holmes, for his briefing and to highlight the work that is being done by his Office in order to improve the protection of civilians in armed conflicts.

In this regard, we are concerned by his overview on the situation of civilians in armed conflicts. Even though the number of conflicts has declined compared to recent years, violations of human rights as well as international humanitarian law have increased in some of them, and the civilian population, in particular women and children, are still the main victims. In many cases, it is precisely women and children who are the direct targets of the attacks and sexual violence because of their gender or their vulnerability in an environment of almost complete impunity.

The risk situations that are faced by civilian populations in conflict situations, for example, in Somalia, Palestine, Iraq, Darfur, Chad, Afghanistan and the Democratic Republic of the Congo, to mention but a few, show that despite the good intentions of the international community, the Security Council and even the Governments concerned, the civilian population is still largely defenceless. In this respect, Peru believes that the Security Council must continue to promote effective and feasible actions in order to guarantee the protection of civilians in armed conflicts as well as those of internally displaced persons and refugees.

Taking into account the reports on this theme, we believe that, first of all, in accordance with international humanitarian law, the parties to a conflict must allow and facilitate the unhindered access of all humanitarian assistance for civilians who require it. Regrettably, the reality on the ground shows us that this access is far from being safe, timely and obstacle-free, which means that millions of people are deprived of assistance that is crucial for their survival.

That is why we support the practice of the Security Council to receive reports on every situation where there are serious access problems.

Secondly, we support the decisions of the Security Council with respect to the mandate for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in resolution 1794 (2007) and the measures adopted for the Democratic Republic of the Congo in resolution 1807 (2008) to tackle the problem of the use of sexual violence against women as a weapon of war. We hope for similar actions wherever and whenever they are necessary in order to prevent women and girls from continuing to be the main victims of acts of violence in armed conflicts.

Peru supports programmes and policies that promote the prevention of violence. In this context, we must stress the need for the full implementation of resolution 1325 (2000). We reiterate that serious cases of rape and other forms of sexual violence warrant being referred to the International Criminal Court. Furthermore, States must assume, as a priority, their own responsibility to bring to justice and punish those who are responsible for crimes as part of an overall approach to peace, justice, truth and national reconciliation.

Thirdly, we must stress the need to systematically include in resolutions references to the rights of internally displaced persons and refugees to return safely to their homes and places of origin, as well as the rejection of the consequences of ethnic cleansing and sectarian violence. United Nations peacekeeping missions and other missions must have mandates that prevent the appropriation and the unlawful seizure of land and property that has been abandoned by refugees and internally displaced persons, and that support the issuance of property deeds when these have gone missing or have been destroyed.

Fourthly, the Security Council must urge the parties to a conflict and multinational forces authorized by it to comply with the obligations that concern them in conformity with international humanitarian and human rights law, and to report on the measures adopted in order to guarantee the protection of civilians during hostilities in the implementation of their mandates.

Fifthly, we agree that it is necessary to put an end to the terrible humanitarian consequences of cluster bombs and anti-personnel landmines. The harm caused by these weapons continues over time because they continue to maim civilians long after a conflict is over, preventing the return of internally displaced persons and refugees to their homes and the socio-economic development of the affected areas. It is necessary to adopt a binding instrument that would ban cluster bombs, which cause irreparable damage to the civilian population. In this respect, we expect major progress and a political commitment in the Dublin conference this week.

It is important to seek the full implementation of resolution 1674 (2006), which contains crucial provisions for improving at the international system for the protection of civilians in armed conflicts, including the responsibility to protect populations from war crimes, genocide, ethnic cleansing and crimes against humanity.

Lastly, we support the proposal of the Secretary-General on the establishment of a working group of the Security Council, which would specialize in the protection of civilians and be made up of experts. That idea should be studied very carefully on the basis of a further developed and detailed proposal. For the time being, we stress that reports on conflicts included in the Council's programme of work must contain

information on the protection of civilians. Likewise, the Council's warning mechanisms and that of the Secretary-General must be activated in order to protect civilian populations.

The President: I now give the floor to the representative of Mexico.

Mr. Heller (Mexico) (*spoke in Spanish*): Mexico is grateful for this open debate, which provides an update of the sixth report of the Secretary-General on the protection of civilians in armed conflict. The document is particularly important and includes significant recommendations for the strengthening the protection framework that the Security Council and the United Nations system could provide in the field. We thank Under-Secretary-General Holmes for his unambiguous briefing this morning.

My delegation attaches great importance to this topic and supports the holding of debates in the Security Council in this area. On the basis of the Secretary-General's report, my delegation would like to reiterate the content of its statement at the 5781st meeting, on 20 November, and to emphasize again that parties in conflict, regardless of its nature, must respect the norms of international humanitarian law and human rights and comply with the principles of neutrality and impartiality in protecting civilians during armed conflicts.

The challenges faced by our Organization with regard to the protection of civilians in armed conflicts are very diverse and highly disturbing. Access to humanitarian assistance, protection of civilians in the mandates of peacekeeping operations, sexual and gender violence and the use of cluster munitions constitute some of the challenges that require specific action and on which my delegation would like to make the following comments.

First, Mexico acknowledges that the primary responsibility for the protection of civilians rests with States. This is crucial for States to avoid actions that hinder the access of humanitarian assistance to civilians. In some recent cases, access to basic services and to humanitarian assistance has been limited, which has made it difficult to guarantee even the minimum conditions for their survival. In that framework, Mexico expresses its concern over the increase in pirate attacks off the coasts of Somalia, which endanger the delivery of humanitarian assistance to the civilian population of that country, given the fact that

80 per cent of the food assistance from the World Food Programme to Somalia travels by sea.

Secondly, my delegation stresses the importance of strengthening protection of civilians in armed conflicts within the mandates of peacekeeping operations. We believe it is crucial that in post-conflict situations coordination mechanisms are established with regard to security sector reform, both at Headquarters and in the field, in order to strengthen the rule of law, the administration of justice, the protection of human rights and the disarmament, demobilization and reintegration of former combatants.

Thirdly, gender violence, including sexual violence, whose main victims are women and children, constitutes another significant challenge. Mexico acknowledges the efforts made by the Organization to combat this scourge, such as the adoption of General Assembly resolution 61/291, on peacekeeping operations in all its aspects, and Assembly resolution 62/214, on assistance and support to victims of exploitation and sexual abuse committed by United Nations personnel. Those actions contribute to strengthening the image, credibility and effectiveness of the United Nations.

Lastly, Mexico reiterates its concern regarding the use of cluster munitions and calls upon all States to prevent their use in armed conflicts. Given their indiscriminate nature and low reliability, they leave behind many explosive remains that affect entire civilian populations, especially after the conflict is over. Mexico, along with other States, is participating in the Dublin conference, where a legally binding instrument to ban that category of weapons is being negotiated.

Mexico believes that resolutions adopted by the Security Council for the protection of civilians in armed conflicts should be properly justified and guided in the light of the principles and norms of international humanitarian law. That would allow further strengthening and development of such standards and would grant more legitimacy to the Council's actions and decisions.

My delegation emphasizes the importance of cooperation of States, the Organization and particularly the Security Council with the International Criminal Court so as to strengthen the latter and enable it to fully comply with one of the main purposes for which

it was created: to end impunity with respect to the gravest crimes afflicting humankind.

We are convinced that a fundamental component of the Security Council's work in the protection of civilians in armed conflicts is that, among the measures adopted under Chapter VII of the Charter in certain situations, it would order States to act against those responsible for committing international crimes. Additionally, should the States be unwilling or unable to carry out such measures, the Council would consider submitting the matter to the International Criminal Court.

Moreover, Mexico believes it important to heed the Secretary-General's proposal to the Security Council to create a working group charged with guaranteeing the protection of civilians in armed conflicts, as well as promote more systematic attention to this issue in the Council's deliberations.

The work of this working group will have to put special emphasis on the rules that operate during hostilities so that all parties in the conflict refrain from using weapons or methods that might cause unnecessary losses or excessive and unnecessary suffering, and that they comply at every moment with the principles of international humanitarian law.

Taking all that into account, my Government appeals to Member States to support the United Nations and other stakeholders involved in efforts to create a culture of protection, in which Governments fulfil their responsibilities, armed groups respect the norms of international law, the private sector recognizes the impact of its commitment in countries in conflict regarding international humanitarian law and human rights and, finally, Member States and regional and international organizations act swiftly and decisively in humanitarian crises.

The President: I now give the floor to the representative of Austria.

Mr. Pfanzelter (Austria): We firmly believe that today's Security Council debate can make a significant contribution to the development of a culture of protection within and outside the United Nations. Austria is fully committed to furthering the cause of the protection of civilians in armed conflict and therefore highly appreciates the Secretary-General's proposal on a specific working group.

Too often, the principal victims of armed conflict are women and children, on whose shoulders lies the

future of society. We fully support Security Council resolution 1612 (2005) and its monitoring and reporting mechanism, which is an important instrument for protecting children in armed conflict.

Regarding the implementation of Security Council resolution 1325 (2000), on women and peace and security, I think everyone agrees that we have to intensify our efforts. On the basis of our national action plan, Austria is working with its partners to put the commitments of resolution 1325 (2000) into practice not only in the European Union and the Organization for Security and Cooperation in Europe, but, of course, especially also in the United Nations.

We are deeply shocked by the appalling level of sexual and gender-based violence in conflict situations throughout the world. We read reports on this almost on a daily basis. These acts are horrendous crimes for which those responsible must be brought to justice. They also have far-reaching implications for the development of affected societies in general. For this reason, Austria has increased its support to campaigns against sexual violence and assistance programmes for victims of sexual violence, especially in the eastern Democratic Republic of the Congo.

We call on the Security Council to mainstream the fight against gender-based violence throughout its work and to make full use of the range of measures and tools available, including the imposition of targeted measures and referral of situations of serious violations against women and children to the International Criminal Court. We also call on Member States to strengthen the rule of law and fully utilize accountability mechanisms to bring to justice the perpetrators of these violations.

Austria is also committed to the protection of civilians in armed conflict by striving for a ban on cluster munitions that cause unacceptable harm to civilians, the destruction of cluster munitions stocks and a prohibition of their transfer, swift and efficient clearance of contaminated areas and comprehensive assistance to victims of these weapons. Currently, as has been pointed out, more than 100 States are gathered in Dublin to conclude a legally binding instrument on the basis of the Vienna Document on cluster munitions of December 2007. Austria believes that such an instrument should prohibit the use, production, transfer and stockpiling of cluster munitions.

It should also establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions. A successful outcome of the Dublin conference will mark a crucial step in better protecting thousands of civilian lives during armed conflict.

On the national level, Austria has enacted a law totally banning cluster munitions. As a consequence, we will destroy all stocks of this heinous weapon within the next three years. Austria views its national ban on cluster munitions as a concrete contribution to the protection of civilians and calls on other countries to follow suit.

The President: I now give the floor to the representative of Afghanistan.

Mr. Tanin (Afghanistan): Let me begin by expressing my delegation's gratitude to you, Mr. President, for organizing today's open debate on the protection of civilians in armed conflict. Last week's debate on post-conflict stabilization (see S/PV.5895) was very productive, and we believe that today's topic is inextricably linked to stabilization and peacebuilding.

The protection of civilians is a very important issue to Afghanistan as the Taliban and Al-Qaida continue their heinous acts to disrupt the efforts of the Government and international forces to establish a stable, prosperous and democratic Afghanistan.

In our endeavour towards developing a democratic State, it is essential that all citizens feel that their human rights are secure and that everyone be treated with dignity and respect. The most basic human right is the right to live in security but, too often, terrorists deprive people in Afghanistan of this fundamental right.

Indiscriminate and brutal terrorist attacks are carried out in Afghanistan, particularly in the southern part of the country, as terrorists use fear tactics to undermine people's trust in their Government and in the international community. Whether in the form of roadside bombings, suicide attacks or various other heartless killings, the acts of violence committed against civilians by the Taliban and Al-Qaida are premeditated and calculated. They are designed to weaken the determination of the international

community to support Afghanistan and the trust that the Government is trying to build with our citizens.

The enemies of Afghanistan intentionally seize opportunities to use civilians in combat in order to complicate the response of international and national security forces. The insurgents attack remote villages populated by peaceful farmers and labourers. They take shelter in or around homes and buildings, using them to attack security forces, in an attempt to force combat in civilian areas. Local residents are inevitably caught in the middle.

The Afghan Government and international forces spare no effort to avoid civilian casualties, while terrorists use civilians as human shields. The suicide attacks are the clear manifestation of deliberate killing of innocent people. In fact, they thrive on a casual disregard for the sanctity of human life and the enmity that widespread violence breeds.

Although it is very difficult to avoid collateral damage, an integral part of military planning is to avoid harming civilians. The number of civilian casualties is lower than often reported. Also, we are not certain about the accuracy of casualty estimates presented by international organizations, as they are mainly based on reports that in many cases latter proved to be exaggerated. In fact, we face an enemy without a uniform or identity badge, indistinguishable from local people. As a result, a dead Talib may be perceived as a civilian casualty if he is an Afghan Talib.

Despite the complexity of the issue, the protection of civilians is of the highest priority for our Government. Our forces act with the utmost precautions during combat in civilian areas. Furthermore, international and Afghan forces have recently implemented new methods, including the use of smaller bombs, and have revised the use of other weaponries. A new mechanism of coordination between the International Security Assistance Force and our security forces has been established in the eastern and southern zones, which allows us to carefully plan operations and avoid collateral damage.

Thanks to these methods and mechanisms, my delegation is happy to report that the number of civilian casualties and air strikes during counter-terrorist operations has decreased considerably since 2007. However, the Government of Afghanistan is deeply concerned about any loss of civilian life and

urges the international community to exercise utmost caution during combat operations.

Although we have come a long way, much more needs to be done, both in Afghanistan and beyond. Unfortunately, where there is armed conflict, there will be casualties; that is a sad and painful truth. In order to enjoy the popular support of the people, any use of force by the Government requires an elaborate moral justification. Terrorists and insurgents take advantage of that necessity with acts of violence that erect a barrier of fear and mistrust between the people and their Government.

Nonetheless, the most important question before us is how to minimize civilian casualties in armed conflict. The international community and the Government of Afghanistan have a common understanding that it is imperative to enhance coordination between national Governments and international organizations with a view to protecting civilians.

We are in a battle to win hearts and minds in Afghanistan. Terrorists are ruthless and irresponsible by nature: they intentionally exploit our sense of fairness. However, our humanity is not a weakness. In fact, it is the very foundation of our society. Hence it is crucial that we act upon what we have learned here today to secure the lives of civilians and engage local communities — it is they who are at the front lines of the struggle. After all, the diplomatic efforts here and the counter-terrorist operations on the ground have a common goal: to protect the peoples of our nations, without whom there would be nothing to fight for.

The President: I now give the floor to the representative of Georgia.

Mr. Tsiskarashvili (Georgia): At the outset, allow me to express my appreciation to the United Kingdom mission to the United Nations for convening this meeting in order to discuss this very important issue. The delegation of Georgia fully associates itself with the statement made by the Slovenian presidency of the European Union.

While discussing this critical issue, I would like to draw the attention of the members of the Security Council to the intolerable situation of the civilian population forcibly displaced due to the conflict in Abkhazia, Georgia. For the past 15 years, our people and Government have dealt with the consequences of

the protracted conflict on the territory of Georgia. Hundreds of thousands of my compatriots still remain outside of Abkhazia, Georgia, and since their forceful displacement, they have been willing to return to their homes of origin for more than 15 years now.

The expelled population is forced to live in crowded temporary shelters or other similar accommodations. The United Nations, and particularly the Office of the United Nations High Commissioner for Refugees, has been involved in negotiations to secure the prompt and safe return of refugees and internally displaced persons (IDPs) to their homes, but unfortunately those efforts have not met with a positive response by the de facto regime. The spontaneous return of (IDPs) and refugees has occurred only in the Gali district of Abkhazia, Georgia. But those who returned put themselves at great risk. Their fundamental rights are consistently violated.

It is inadmissible that houses and other property belonging to IDPs and refugees of all ethnicities have been sold to new owners. Unfortunately, some have illegally acquired private and public properties on the territory of Abkhazia, Georgia, and this process is still going on. We believe that the international community must condemn those unlawful actions and treat them accordingly. The Government of Georgia has recently launched a State programme to collect data on the property of IDPs and refugees left in Abkhazia, Georgia, and this process is under way.

The young generation of returnees is deprived of one of their most fundamental rights: studying in their mother tongue, as the de facto regime prohibited Georgian as an instruction language at schools in the Gali district. In recent years we have witnessed frequent violations of the Georgian population's constitutional right to vote. Just recently, we observed the persecution of religious freedom: the de facto local authorities expelled a Georgian Orthodox priest from the Gali district after he was banned from holding services.

For more than a decade we have observed the fundamental rights of civilians in the conflict zone of my country being increasingly targeted and challenged. It is distressing to see how members of the spontaneously returned population have become victims of physical and psychological violence on a daily basis. That circle of violence can be stopped only through joint international efforts. Here, I would like to

stress the leading and principal role of the Security Council in addressing the outstanding issues related to the peaceful solution of the conflict in Abkhazia, Georgia, and would like to underline the importance of Council resolution 1808 (2008) and the recently adopted General Assembly resolution 62/249, which addresses in a comprehensive manner the issues related to the IDPs and refugees.

I want to thank you again, Sir, for giving me this opportunity to address the Security Council today on this very important matter.

The President: I now give the floor to the representative of Myanmar.

Mr. Swe (Myanmar): I wish to thank you for giving me the opportunity to participate in the open debate on this important subject. I also wish to take this opportunity to express my deep appreciation to Mr. John Holmes for his tireless efforts and for updating the Council on the protection of civilians in armed conflict.

In the years since the adoption of resolution 1296 (2000), the international community has faced numerous challenges in providing security and well-being to civilian populations. Armed conflicts, which lead to a cycle of violence and do great harm to civilians, are exacerbated by the easy availability of illicit small arms and light weapons. Because of the easy availability of small arms, some 300,000 civilians are killed every year by small arms and light weapons in armed conflicts.

We therefore continue to believe strongly that one of the most effective ways to protect civilians in armed conflicts is to have a legally binding international instrument prohibiting the illicit trade in small arms and light weapons to non-State actors.

The easy availability of illicit small arms and light weapons also compounds the danger of terrorism, which causes great suffering to the civilian population. The Security Council adopted resolution 1674 (2006), which condemns in the strongest term all acts of violence or abuses committed against civilians in situations of armed conflict. Myanmar joins the international community in condemning all such acts.

We are in full sympathy with victims of armed conflicts in various parts of the world because we ourselves have gone through the bitter experience of insurgent groups committing atrocities against our

civilian population. Soon after attaining independence, Myanmar had to face numerous insurgencies. Throughout various periods of insurgency, our civilian population has suffered much at the hands of the insurgents.

The most efficient way to protect civilians in armed conflicts is to resolve the root causes and bring the armed conflict to an end. Therefore, the Myanmar Government has embarked on a national reconciliation process and has been successful in bringing 17 of the 18 insurgent groups back to the legal fold. As a result, some 100,000 former armed insurgents are no longer fighting the Government. They have also joined the National Convention process, which laid down the fundamental principles to be enshrined in the new constitution. They have taken active part in the recent referendum, which endorsed the draft constitution.

There now remains a faction of one insurgent group, the Karen National Union (KNU) and remnants of armed narco-traffickers, who are now confined to small enclaves in the border areas. The Government continues to invite the KNU insurgents to come back to the legal fold. In the past, we have encountered difficulties in our discussions with the KNU, because of outside interference that hindered the peace process. However, we are gratified that, as a result of the continued efforts of the Government at national reconciliation, we were able to reach a peace agreement with an important faction of the KNU/Karen National Liberation Army (KNLA) in February 2007. Over 500 members, led by the Chairman of the KNU/KNLA Peace Council, returned to the legal fold after the successful conclusion of peace negotiations. The Government will continue its endeavours to negotiate with the remaining fraction of the KNU, for it to return to the legal fold and join hands with local populace in developing their region.

I wish to reiterate once again our strongly held belief that only a comprehensive approach promoting economic growth, eradicating poverty and bringing about sustainable development and national reconciliation will enable us to put an end to armed conflicts, which, to us, is the best way to protect civilians.

Before I conclude, let me say that I find it highly objectionable that some delegations have tried to use this debate to politicize a humanitarian issue caused by a natural disaster.

My delegation also greatly regrets that Under-Secretary-General Holmes saw fit to mention in passing the issue of access in the aftermath of natural disaster. As he himself said, that is clearly outside the scope of the report and today's debate.

The President: I give the floor to the representative of Colombia.

Ms. Blum (Colombia) (*spoke in Spanish*): Allow me at the outset to congratulate you, Sir, on your work as President of the Security Council during the month of May.

I should also like to thank Under-Secretary-General Holmes for his briefing and for his intensive work since he assumed his post.

The topic of today's debate is particularly relevant not only for the Security Council, but also for all States Members of the United Nations, and we therefore appreciate the convening of this debate.

The decrease in violence indices in Colombia continues to be the subject of wide recognition. At the same time, and especially in some regions of the country, threats persist that affect certain sectors of the population and prevent them from enjoying their rights. The actions of illegal armed groups, drug trafficking and terrorism are the core negative factors jeopardizing the rights, personal freedom and property of those citizens. As was pointed out by Under-Secretary-General Holmes, those groups continue to perpetrate serious infractions, including mass displacements, against civilians.

For the Government of Colombia, the protection of civilians and strict compliance with international humanitarian law and other relevant international norms are absolute priority objectives. My Government rejects any action against civilians that violates those norms.

Freedom and human rights can be fully realized when order, security and the rule of law are guaranteed. The Government of Colombia, guided by that principle and by its democratic security policy, is persevering in its efforts to protect all its citizens and guarantee the enjoyment of their rights.

The results achieved in the five years of implementation of the democratic security policy in Colombia have generated a virtuous circle in which security contributes to a rising level of confidence in

the country and fosters private and social investment, which in turn helps to improve the living conditions and security of the population. Compared to the situation in 2002, in 2007 there was a substantial decrease in the rates of homicide, which were reduced by more than 40 per cent; the killing of union members, which dropped by 92 per cent; and extortive kidnapping, which fell by more than 86 per cent.

More than 46,000 people have been demobilized from illegal armed groups, individually or collectively. Through the special programme for the protection of union members, human rights activists and other threatened persons, some 9,500 persons have received protection. As of January 2008, none of the union members under protection, who represent some 20.7 per cent of the total number of persons in the programme, had been a victim of violence.

In 2007, the number of new cases of persons displaced by violence remained below 60 per cent compared to the figures of 2002. Some 82 per cent of all households included in the registry of displaced persons have received humanitarian emergency assistance, and more than 38,000 families have received State support in the process of return or resettlement. The programme supporting those affected by displacement applies a comprehensive support strategy to families by promoting income-generating activities and socio-economic stabilization.

The Government of Colombia is guided by the core premise that the primary responsibility for protecting civilians rests with the State. In turn, every State may appeal for international support when it is deemed necessary. In that context, the United Nations and the international community in general have a role to play in support of national protection efforts. If humanitarian assistance is to be trustworthy and predictable, it must be undertaken in conformity with the United Nations Charter and the principles it enshrines.

During the debate that took place in November 2007, my delegation expressed some opinions on the recommendations contained in the report of the Secretary-General, among them that to create a Security Council working group on the issue. We are of the opinion that the existing institutional structures are sufficient to allow the United Nations to address issues concerning the protection of civilians in an adequate and effective manner. Rather than create new entities,

the work must be aimed at supporting efforts to protect civilians in specific situations and take the specific conditions of each case into account.

It is equally necessary to maintain an adequate level of cooperation between the Security Council and other relevant organs of the United Nations. Such coordination is all the more productive when the Council operates within the limits of its competence. In that respect, we must support efforts to improve the operational and legal framework of the United Nations in the protection of civilians, and the role of the General Assembly as the organ competent to adopt policy guidelines in the humanitarian field.

The protection of civilians is a noble objective consonant with the human values of our Organization. Action in that field must consequently transcend individual interests and be legitimized as strictly humanitarian work. Only thus can assistance to the civil population be effective and fully accomplished.

The President: I call on the representative of the United Arab Emirates.

Mr. Al-Jarman (United Arab Emirates) (*spoke in Arabic*): At the outset, I extend my thanks to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. John Holmes, for his briefing this morning.

In spite of the important progress achieved by the international community since the mid-twentieth century in the development of enhanced international law mechanisms to protect civilians and determine criminal responsibility for the massacres of thousands of civilians in armed conflicts, we continue to witness new and tragic forms of genocide, war crimes, ethnic cleansing and crimes against humanity, including deliberate killing, rape, the confiscation and destruction of property, forcible displacement and other blatant violations of international humanitarian and human rights law. Belligerents resort to such means chiefly in order to exert the greatest possible political pressure and to achieve battlefield victories at the expense of innocent civilians, especially children, women, the elderly and the handicapped, as well as humanitarian and media workers, with full impunity in many existing conflicts.

We believe that the continuation of this problem is not due to a lack of a humanitarian and legal framework established by the United Nations for this purpose. That framework is almost comprehensive and

includes international instruments such as the Fourth Geneva Convention of 1949 and its Additional Protocols of 1977 and many other resolutions and presidential statements adopted by the Security Council for protecting civilians. We think the problem lies in the non-compliance of the combatant parties with those instruments and their selective implementation in some conflict zones.

In our opinion, that non-compliance requires that the international community, particularly the Council, reconsider the standards for observing the measures for protection of civilians during armed conflicts according to resolution 1674 (2006). The resolution recognizes not only the primary responsibility of States for protecting their civilians, but also the joint responsibility of the international community to help States shoulder their responsibility in this respect. Therefore we affirm the importance of the following points.

First, we must strengthen the Council's important and coordinated international role in cooperation with the Secretariat's various specialized departments and agencies and United Nations bodies such as the General Assembly, the Economic and Social Council and the Human Rights Council, particularly in taking effective, prompt and decisive action to prevent civilian suffering in conflict zones and in creating a safe environment for civilians as a priority in cases of armed conflict and as one of the priorities for the Council's work in maintaining international peace and security and building peace in accordance with the Charter. In that regard, we stress the importance of developing mechanisms for observing and monitoring practices against civilians during armed conflicts and procedures for urging all States and parties to conflicts to ensure their compliance with their commitments with regard to the non-targeting of civilian populations and the protection of their property and legitimate interests, without double standards. Procedures should include full respect for the sovereignty of States and non-interference in their internal affairs and should not prejudice the specificities of their cultures and beliefs.

Secondly, we affirm the need to set up a strengthened, humane and unconditional international strategy for relief and assistance, to be sustained by adequate resources and the necessary political support based on neutrality, objectivity and justice. Such a strategy should be implemented by the United Nations bodies, organs, committees and humanitarian agencies in

cooperation with regional, subregional and non-governmental organizations, to secure humanitarian corridors and provide the necessary relief and humanitarian assistance to reduce the suffering of people affected by conflicts. According to the provisions of international law, the plans and programmes of this strategy should not be linked to the settlement of conflicts, as is the case in the occupied Palestinian territories.

In this connection, we call upon the international community to take the necessary measures to protect the Palestinian civilians from collective punishment and from the occupying Power's daily excessive violent measures against them. We appeal to it to exert the necessary pressure on Israel to oblige it to comply fully with its commitments, as set out in the Geneva Convention relative to the Protection of Civilian Persons in Time of War. We urge Israel to lift the inhumane and illegal blockade imposed on the Palestinian territories since 2006, especially on the crossing points of the Gaza Strip, and to end its arbitrary and unjustified constraints on access by tens of thousands of Palestinians to humanitarian assistance, including fuel and water, food aid and other basic assistance.

Thirdly, we affirm the need to enhance the system set up for monitoring, reporting and exchanging information on crimes against humanity committed during armed conflicts and for punishing the perpetrators so as to ensure that those crimes are not repeated. We call for developing the judicial arrangements made for addressing those crimes and for strengthening national and international capacities for investigation and prosecution. The rehabilitation process for the victims of those crimes and attacks must be improved, and the chances for victims to reach national and international criminal courts in order to obtain justice and the necessary compensation for crimes must be increased.

The United Arab Emirates strongly condemns all forms of targeting civilians during and after armed conflicts. It has participated in several humanitarian and relief assistance programmes and peacekeeping operations, including rehabilitation and mine clearing operations in many areas, with a view to mitigating the suffering of affected populations. It supports the five measures recommended by the Secretary-General in his report on the issue, which was endorsed by the Council. We hope that our discussions on this item

today will help in creating the political will required to strengthen effective national and international efforts to protect civilians in all areas of armed conflicts.

The President: I now give the floor to Under-Secretary-General John Holmes to respond to the comments made.

Mr. Holmes: I will start by apologizing to members of the Council for my rather intermittent attendance today. That would not have been my wish, but there was urgent business connected to Myanmar that I had to attend to, so I ask the Council's indulgence for that. Nevertheless, I have listened very carefully to those parts of the debate I have been able to hear and to the comments that have been made, and of course the comments made in my absence have been fully reported to me.

I will say how much I welcome the clear commitment that I have heard from every speaker today to this important agenda of the protection of civilians in armed conflict, and the recognition by, I think, all speakers of the need to do more to ensure that our words are more than just words and that they are followed up by actions that have impact where they matter most, which is on the ground. There was also a very clear recognition by many, if not all, speakers that civilians are more than ever the main victims of the modern kind of conflict we so often see — that is, internal conflict within States rather than outright war between States.

Given that it is late, I will not try to respond to all the detailed points made by individual delegations, but let me comment briefly on some of the key points.

First of all, on the question of humanitarian access, I welcome the support that many speakers expressed for our own effort to improve our reporting on and analysis of access constraints in conflict settings in order to enable us to keep the Council better informed in a systematic way. Several speakers called for this monitoring to be proactive and to be a good basis for action. Clearly, such analysis will provide an opportunity for action in response to particularly grave situations, but by the same token it will produce an expectation of action by the Council. I am encouraged by the recognition of that fact, but it will be a challenge for us all to turn these expectations into truly effective mechanisms.

Secondly, on the question of provisions for the protection of civilians in peacekeeping mandates, which several speakers also referred to, and the question of how well those protection-of-civilian mandates are being implemented, clearly there is concern that the success of these provisions to date has been a little mixed. The reasons for that may vary — and they can arise at any stage of the establishment and implementation of a given mandate — from the actual language that is in the resolution to how the concept of operations and the rules of engagement for peacekeeping forces are actually elaborated to, finally, obviously, the actual implementation on the ground.

That is why, 10 years on from the establishment of the first express protection-of-civilians mandate in a peacekeeping forces mandate, the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations have now commissioned an independent study to review each stage of that process, to look at where the fault lines are and where we have made progress and where we have made less progress, to identify the main difficulties encountered by the key actors — and therefore to identify areas where action is required — as well as to identify the good practices to be replicated in the future.

That will be a 12-month study, which should be finalized, I hope, around this time next year. We expect it to make recommendations for all the relevant actors concerned — that is the Council, of course, the troop-contributing countries, DPKO, OCHA and the special representatives of the Secretary-General on the ground — in order to try to make sure that all steps of the process can be improved and the ability of peacekeeping operations to protect civilians can be increased. Obviously, we will be reporting to the Council in due course on the findings and the recommendations of that report.

Thirdly, a number of speakers have referred to the Save the Children report, which I think was published today, drawing attention to continuing evidence of sexual exploitation and abuse by both humanitarian workers and peacekeepers. The Secretary-General issued a separate statement on this today that makes clear his concern at that report and his recognition that that continues to be a significant and painful issue, and one that we have to address candidly, comprehensively and robustly. As all members know, the United Nations has already taken a series of measures designed to

tackle that problem. We are committed to training and monitoring our civilian staff and working with police- and troop-contributing countries to make sure that everybody has the highest codes of conduct available to them and is accountable for their behaviour in response to those codes of conduct. Nevertheless, we recognize that there is still more to do on this. There is still some way to go to try to put a stop to this shameful practice. Let me assure the members of the Council that we do take it extremely seriously and are in no way complacent about it.

Fourthly, there is the question — the broad question if you like — of accountability, which was mentioned in particular by several speakers in the context of sexual violence, but also in the context of violations of international humanitarian law, more generally. I welcome that emphasis on accountability, because it is very important in terms of trying to prevent violations in the first place, as part of the constant struggle to prevent a culture of impunity, which does such damage where it takes root, as we can see in countries such as the Democratic Republic of the Congo in the context of the sexual violence there.

Clearly, there has been quite a lot of progress in extending the reach of accountability mechanisms and international justice mechanisms, in particular through the International Criminal Court and other international judicial mechanisms. But, I think it is also worth drawing attention to the fact that States are also obliged to take steps at the national level to try to prevent and halt acts that contravene the 1949 Geneva Conventions and their Additional Protocols, and to search out, investigate and punish people who have committed or ordered the commission of grave breaches of the Geneva Conventions. It is at the national level also where we need to see far greater progress. Of course, the United Nations is prepared to help countries in doing that.

Fifthly, on the question of the expert group of the Council on the protection of civilians, I am heartened by the support expressed during the debate by many speakers for the establishment of such an expert group. Let me just repeat that we are not suggesting, as one or two speakers seemed to suggest that we were, the establishment of a formal subsidiary of the Council like the Working Group on Children and Armed Conflict. What we are suggesting is something significantly more modest than that: an informal forum for timely and systematic consultation on protection-

of-civilians concerns between all members of the Council and OCHA and other relevant departments of the Secretariat. The idea is to be able to communicate and exchange, systematically and transparently, information and analysis and, when necessary, propose language on protection matters to all Council members so that they have the best possible information when they are considering mandates or other protection-of-civilians issues. We believe that would help to ensure more consistent application of the existing aide-memoire and other protection-of-civilians concerns in the Council's deliberations. What we find is that our current efforts to engage the Council on those issues tend to be rather bilateral, ad hoc and, often, rather late. What we are therefore looking for through the expert group is some way, as I said, in a very informal and light way, of institutionalizing or regularizing and systematizing the exchange to make it more effective in all ways.

Several speakers also referred to the importance of regional organizations as regards the question of the protection of civilians. I agree very much that that is a dimension that we need to focus on. It is very much part of our current efforts to engage more with the relevant regional organizations in all parts of the world in order to help build the capacity they have inside those regional organizations to deal with humanitarian and protection-of-civilians affairs. For example, we recently established an OCHA liaison office with the African Union in Addis Ababa.

Many speakers referred to the problems in the occupied Palestinian territory, and in particular to the problems in Gaza. Let me repeat that we certainly still believe that there is a tragic situation in Gaza. We continue to appeal to Israel to relax the restrictions that it has put in place. Those restrictions have been described by many, including myself, as a kind of collective punishment. We hope that that can be brought to an end so as to allow Palestinians to live and breathe rather more than they have the chance of doing at the moment.

At the same time, it is clear that the indiscriminate rocket attacks from Gaza should stop. It is also particularly clear, at least to me, that the particularly cynical and unacceptable attacks against the crossing points by Hamas, or from within Gaza, are something that we should really focus on and try to prevent, because they simply cannot possibly be seen as helping the local Gaza population.

Finally, I think it was the representative of Myanmar who questioned my reference to access issues in the natural disaster context. The reason I did that was because it seemed to me to be slightly perverse, when I was addressing the Council at some length on the problems of access that apply in armed conflict and all the difficulties that that entails, not to mention that there is a separate aspect to this — which I made perfectly clear was outside the particular scope of this debate. But not to mention at all the problems of access we have been having in the particular natural disaster situation in Myanmar, which merit further consideration in due course, seemed to me slightly perverse.

Let me conclude there. I would like to thank all the speakers in the debate for all the comments they have made, which we will certainly take very seriously. We look forward to the Secretary-General's next report, in the autumn and a further opportunity to brief the Council then on its main findings.

The President: Thank you very much, Mr. Holmes, for your briefing. It has been extremely helpful that you have been here for as much of today as you could have been. Thank you as well for the time you have taken to respond to many of the comments that have been made during the course of the debate.

Following consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council reaffirms its commitment to the full and effective implementation of its resolutions on the protection of civilians in armed conflict and recalls previous statements on the issue made by its President.

"The Security Council remains committed to addressing the impact of armed conflict on civilians. The Council expresses its deepest concern that civilians continue to account for the majority of victims of acts of violence committed by parties to armed conflicts, including as a result of deliberate targeting, indiscriminate and excessive use of force and of sexual and gender based violence. The Security Council condemns all violations of international law, including international humanitarian law, human rights law and refugee law, committed against civilians in situations of armed conflict. The Council

demands that all relevant parties immediately put an end to such practices. The Council reaffirms in this regard that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians, in particular giving attention to the specific needs of women and children.

"The Security Council re-emphasizes the responsibility of States to comply with their relevant obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law.

"The Security Council underlines the importance of safe and unhindered access of humanitarian personnel to provide assistance to civilians in armed conflict in accordance with international law and stresses the importance, within the framework of humanitarian assistance, of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence.

"The Security Council recognizes the increasingly valuable role that regional organizations and other intergovernmental institutions play in the protection of civilians, and

encourages the Secretary-General and the heads of regional and other intergovernmental organizations to continue their efforts to strengthen their partnership in this regard.

"The Security Council takes note of the Secretary-General's report of 28 October 2007 (S/2007/643) on the protection of civilians in armed conflict, and requests the Secretary-General to submit his next report on this subject by May 2009. The Security Council invites the Secretary-General to provide an update in that report on the implementation of protection mandates in United Nations missions as mandated by the Security Council. The Council encourages the Secretary-General to continue to include such updates on the protection of civilians in his regular reporting on United Nations missions."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2008/18.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.05 p.m.